IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 10165 of 1994

Between:

R.Venkat Rao, S/o. Muddu Naik.
Occ: Social Worker, R/o Lakkarama (V), Utnoor Mandal, Adilabad.

... PETITIONER

AND

1) The Commissioner, Tribal Welfare of A.P.,
   Hyderabad.
2) The Superintending Engineer, Minor Irrigation.
   Adilabad.
3) The Collector, Adilabad District.
4) M.A.Basith, S/o. Raj Mohammed.
   R/o 5-10-34, Budharaopet, Post : Nirmal, Adilabad.

(The case against R-2 to R-4 dismissed for default as per Court Order

dated 15.09.1999)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction or orders more particularly in the nature of Writ of Mandamus, directing the respondents No.1 and 2 to cancel the Agreement between the respondent No.2 and 4 for the construction of Anacut between the Village

Narsapur and Wadone at Luddiguda, declaring the Agreement is illegal and void ab-initio and pass such other order in the interests of justice.

Counsel for the Petitioner: MR.M.S.SHARMA.

Counsel for the Respondent No.1: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

:: O R D E R ::

This writ petition is filed seeking writ of Mandamus directing the respondents 1 and 2 to cancel the agreement between respondents 2 and 4 for construction of Anacut between the village Narsapur and Wadone at Luddiguda, and to declare the agreement as illegal, null and void.

When the writ petition has been taken up for consideration, it is represented by the learned Government Pleader that the writ petition against respondents 2 to 4 was dismissed for default as per Court order dated 15.09.1999. It is represented by the counsel for 2nd respondent that administrative sanction for the `Construction of Anacut across local stream near Loddiguda village, H/o Narasapur (v), Utnoor Mandal, Adilabad District was accorded for Rs.14.00 lacs in Minor Irrigation Action plan by District Collector vide Proceedings No.A/1/955/93, dated 1.9.1993, and subsequently the same was revised to Rs.17.06 lacs under Collector's Proceedings No.A1/474/94, dated 8.2.1994. As per para 154 of Departmental code, all the works having value more than Rs.5,000/- should be let out duly following tender system. Hence, tenders for this work were called for vide Tender Notice No.31/93-94, dated 24-12-1993 duly fixing the date of receipt of tender up to 27.01.1994, and publishing in prominent newspapers. It is further stated that the letter of Chairman of the Tribal Welfare Advisory Committee was received on 31.01.1994 wherein it was requested to cancel the tenders and entrust the work to tribals or tribal society. The Welfare Advisory Committee was already informed that the tenders cannot be cancelled, and that further there are no such instructions from the Government to keep informed of `A' class contractors of tribal community or any other tribal people in the area.

It is further stated by the Government Pleader that in pursuance to the tender call,

eleven tenders were received and work was entrusted to lowest tenderer Sri M.A.Baisth, and the agreement was concluded vide office agreement No.76/93-94, dt.16.03.1994. Further the work was started on 13.4.1994 and completed to a tune of about Rs.81,000/- by the end of June, 1994. The learned Government Pleader therefore, submits that since the work was already concluded, and in view of the counter averments, no further orders are necessary to be passed in the present writ petition.

Recording the same, the writ petition is accordingly dismissed. No costs.

Sd/-

ASSISTANT REGISTRAR

15th July, 2004

Kk/Rar

To

1) The Commissioner, Tribal Welfare of A.P.,
Hyderabad.
2) The Superintending Engineer, Minor Irrigation, Adilabad

3) The Collector, Adilabad District, Adilabad.

4) 2CCs to G.P for Irrigation & Comm.Area Devolopment,

High Court of A.P.,Hyderabad, (OUT)

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